

**Notice of Allowability**

Application No.

10/620,577

Applicant(s)

OGAWA, MASATSUGU

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/19/07.
2. ☒ The allowed claim(s) is/are 1, 4-8, 11, 12, 15-28 and 30-54 now renumbered 1-47.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Articola on 2/19/08.

The application has been amended as follows:

Claim 1 now reads " An information recording medium that contains information at a predetermined position of said information recording medium indicating whether an asymmetry value is available for adjustment of a recording condition, the information being based on a comparison result between asymmetry values obtained from signals recorded under at least two or more recording conditions, wherein a first asymmetry value at a first recording power in which jitter becomes minimum is compared with a second asymmetry value at a second recording power that is smaller than said first recording power, wherein if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, said information indicates that adjustment of the recoding conditions using the asymmetry values is possible, while if a difference between said first asymmetry value and said second asymmetry value is less than the predetermined value, said information indicates that adjustment of the recoding conditions using the asymmetry values is not possible".

Claim 28 now reads "A method of adjusting recording conditions of an information recording medium comprising the steps of: comparing asymmetry values, which are obtained by a signal recorded under at least two recording conditions; and deciding whether an asymmetry value is available for adjustment of the recording conditions, wherein a first asymmetry value at a first recording power at which a jitter becomes minimum is compared with a second asymmetry value at a second recording power that is smaller than said first recording power, wherein if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, adjustment of the recording conditions using the asymmetry value is carried out, while if difference between said first asymmetry value and said second asymmetry value is less than said predetermined value, adjustment of the recording condition using the asymmetry value is not carried out".

Claims 3 and 30 have been cancelled.

***Allowable Subject Matter***

Claims 1, 4-8, 11, 12, 15-28 and 30-54 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach or suggest if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, adjustment of the recording conditions using the asymmetry value is carried out, while if difference between said first asymmetry value and said second asymmetry value is less than said predetermined value, adjustment of the recording condition using the asymmetry value is not carried out.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh

  
TAN DINH  
PRIMARY EXAMINER

2/19/08